THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.3657 of 1999

DATED: 12.12.2007

Between:

T. Muralidhar

.. Petitioner

And

The Superintending Engineer, (O), A.P. Transco, Nizamabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.3657 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in rejecting the claim of the petitioner for appointment as L.D.C., vide Lr.No.SE/OP/NZB/ADM/C2/F.No.3288/98, dated 27.01.1999, as arbitrary and illegal; and consequently direct the respondents to appoint the petitioner as L.D.C. in the quota earmarked for Ex-Casual Labour in terms of B.P.Ms.No.36, dated 18.05.1997, without insisting on Lower Grade Typewriting qualification.

The case of the petitioner is that, he initially worked as casual labour under the control of Divisional Electricity Engineer (O&C), A.P.S.E.B., Kamareddy, from 01.11.1974 to 30.09.1980. While so, B.P.Ms.No.36, dated 18.05.1997, was issued by the A.P. State Electricity Board (for short 'the Board'), for filling up of 50% of vacant posts of Junior Lineman/L.D.C./ Revenue Cashier, with ex-casual labourers, who were covered by Court orders and who have to be given second chance, and Village Electricity Workers. However, since his case was not considered for absorption, he had to file W.P.No.21688 of 1997 and the same was disposed of directing the respondents therein to consider his case for absorption into the service of the Board in terms of B.P.Ms.No.36, dated 18.05.1997, subject to

fulfilling the prescribed eligibility, and also to permit him to appear for the interview scheduled to be held on 15.09.1997. Accordingly, he was interviewed along with others on 15.09.1997, but however, his case was rejected, vide letter dated 27.01.1999, on the ground that he does not possess the requisite qualification of Lower Grade Typewriting, as per the eligibility criterion laid down for the post of L.D.C. The petitioner contends that as per clause 5 (b) of B.P.Ms.No.36, dated 18.05.1997, educational qualifications shall be as per Board's Service Regulations in force at the time of first engagement, and at the time of his first engagement with effect from 01.11.1974, the qualification required to hold the post of L.D.C. was only Graduation and no technical qualification of Typewriting has been prescribed. The said Typewriting qualification was prescribed for the post of L.D.C. with effect from 03.08.1993, vide B.P.Ms.No.235 dated 03.08.1993. Therefore, rejecting his case for appointment as L.D.C., in terms of B.P.Ms.No.36, dated 18.05.1997, on the ground of not possessing the Typewriting qualification is arbitrary and illegal.

There is no necessity of going into all the details.

Admittedly, as on the date of issuance of B.P.Ms.No.36, dated 18.05.1997, the petitioner was not in service, apart from the fact that he does not possess the requisite qualification of Typewriting. Clause 5 (b) of B.P.Ms.No.36 says that educational qualifications shall be as per Board's Service Regulations in force at the time of their first engagement. The first engagement of the petitioner as L.D.C. would be after consideration of his case as per B.P.Ms.No.36, dated 18.05.1997, only and could not have been prior to that. Therefore, it cannot be said that the respondents are not correct in insisting on typewriting qualification for appointment to the post of L.D.C. Apart

from this, the very B.P.Ms.No.36, dated 18.05.1997, lays down that ex-casual labourers must have been in service as on the date of its issuance. In the instant case, admittedly, the petitioner was not working as on the date of issuance of B.P.Ms.No.36, but worked only during the period from 01.11.1974 to 30.09.1980, and, thus, he was out of service for a period of 17 years as on the date of issuance of B.P.Ms.No.36. Thus, viewed from any angle, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

JUSTICE C.V. RAMULU

12th December, 2007.
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